

REMARKS

Claims 1-8 are cancelled without prejudice in favor of new Claims 9-29. Support for the new claims is found throughout the specification, specifically page 8, line 33, to page 9, line 21, of the specification and the original claims. No new matter is believed to be entered by the above-mentioned amendment. Claims 9-29 are pending. Favorable reconsideration is respectfully requested.

At the outset, Applicants thank Examiner Guzo for the helpful comments during the courteous discussion of the present application held on June 18, 2003, which is summarized and expanded upon below.

The rejection of Claims 4 and 7 under 35 U.S.C. § 112, first paragraph, is believed to be obviated by the cancellation of these claims. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Applicants thank the Examiner for indicating that a claim containing the phrase "at least 81.91% homologous to the amino acid sequence of SEQ ID NO: 4" would be acceptable as long as Applicants demonstrate support therefore. The Examiner's attention is directed to page 9, Table 3, first line, wherein the homology was calculated therein according to the method described in Takashi et al. to be at least 81.91% homologous.

The present claims relate to a plasmid and a polynucleotide containing a nucleic acid sequence that encodes a polypeptide having Rep protein activity and contains an amino acid sequence that is at least 81.91% homologous to the amino acid sequence of SEQ ID NO: 4. Further, the claimed invention relates to a method of isolating the claimed plasmid.

The present specification provides clear written description for the claimed invention by demonstrating the isolation of at least four Rep proteins encoded by the claimed plasmid and/or polynucleotide wherein the Rep proteins contain amino acid sequences that are at least 81.91% homologous to SEQ ID NO: 4.

The present specification also discloses in great detail that structures of other polynucleotides and their corresponding encoded Rep proteins derived from known plasmids of Coryneform bacteria are known. Further, the present application gives guidance to one reading the present specification so as one can determine the homology between the claimed invention and those above-mentioned known polynucleotides and their corresponding Rep proteins by directing one to Takashi et al. and performing the calculated homology (see page 9 of the present specification). In fact, the present specification demonstrates that the plasmids and polynucleotides of the present invention contain respective Rep genes which show high homology to one another (see page 8, lines 33-34 of the present specification).

In light of the above, one skilled in the art can easily recognize that the claimed invention was in the hands of the Applicants at the time of filing the present application and that the Applicants envisioned the same. Further, the present specification clearly demonstrates that the level of skill in the art allows the skilled artisan to determine homology between the present invention and those Rep genes and polypeptides of known plasmids derived from Coryneform bacteria with the guidance of the present application.

Moreover, the present specification gives great detailed guidance to the skilled artisan on how to make the claimed invention at page 10, line 22 to page 13, line 6 and Examples 2-4. Throughout the disclosure in the present specification, the skilled artisan is directed to generally accepted textbooks which disclose ordinary methods by which the claimed invention may be obtained and reproduced. More specifically, the skilled artisan is directed to such ordinary methods that are described in Sandbrook et al. which is fully referenced at page 13, lines 1-6, of the present specification. Further, the skilled artisan is directed to Text for Bioengineering Experiments at page 13, lines 25-27, of the present specification, for even more well-known methods that may be utilized to reproduce and guide the skilled artisan towards the claimed invention.

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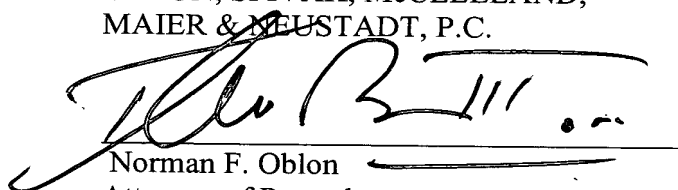
In addition, the present specification provides direction to the skilled artisan so as one can easily utilize the disclosure of the references cited from page 13 to page 20 (i.e., Examples 2-4) of the present specification to find each and every tool and method therein that may be utilized by a skilled artisan in order to make and use the claimed invention.

In light of the above, Applicants respectfully submit that there is not only full written description for the claimed invention, but also full enablement thereof. Clearly, the skilled artisan would understand by the references provided within the present invention that the Applicants are not only in possession of the present invention, but also that one may reproduce utilize the claimed invention with the guidance provided therein; thereby enabling the claimed invention.

Applicants respectfully submit that the present application is in condition for allowance. Early notice to this effect is respectfully requested. Should anything further be required to place this application in condition for allowance, the Examiner is requested to contact the undersigned by telephone.

Respectfully submitted,

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